THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.12662 of 2007

Dated:19.06.2007

Between:

Kodavati Madan Mohan.

…Petitioner

and

The Sub-Collector, and another.

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.12662 of 2007

ORDER:

The petitioner is aggrieved by the proceedings of the second respondent bearing No.Roc.A.250/2007, dated 30.04.2007, whereby and whereunder it was ordered to resume the land admeasuring Acs.3.62 cents in Survey No.615/1 situated at Kollabylu Village of Madanapalle Mandal in Chittoor District. The land was assigned to the father of the petitioner statedly about five decades ago by way of DKT patta. The petitioner succeeded to the property and obtained pattadar passbook. In the context of Indiramma Urban Housing Scheme, the Mandal Revenue Officer, second respondent, identified various pieces of Government land/assigned land within the radius of 5 Kms from Madanapalle. So as to resume the land, the Mandal Revenue Officer issued a notice dated 12.02.2007 calling upon the petitioner to appear before the second respondent in the enquiry. The petitioner appeared and offered explanation. He opposed the resumption of the land on the ground that he has no other land, that he planted seventy mango trees and other trees, and that it is the only livelihood for him. Overruling these objections, the second respondent thought it fit to resume the land, as the lands situated within the municipal limits have exhausted. Accordingly, the impugned proceedings are issued, aggrieved by which, the present Writ Petition is filed.

Learned Counsel for the petitioner has taken this Court through the explanation, dated 24.02.2007, submitted by the petitioner. He

submits that the petitioner has planted trees and also dug a water storage tank for storing the water from the bore well he dug. He, therefore, submits that even if the land is to be resumed, the respondents have to follow necessary procedure under the Land Acquisition Act, 1894. The learned Assistant Government Pleader for Revenue (Assignment) opposed the Writ Petition.

As held by the Larger Bench of seven learned Judges of this Court in **Land Acquisition Officer-cum-Revenue Divisional Officer v. Mekala Pandu**[1] it is always permissible for the State to resume the land from the assignees for public purpose. If any person is aggrieved by such resumption orders passed by the Tahasildar, the remedy is to file an appeal under Para 15 of Board Standing Order 15. That being the position, this Court is not inclined to go into the merits of the case.

Learned Counsel for the petitioner after making submissions strenuously for some time, requested that a direction be issued to the Sub-Collector, Madanapalle, the appellate authority, to inspect the lands and to see the ground position so that other lands can be resumed leaving the petitioner's land. Therefore, this court observes that as and when the petitioner files appeal, if not already filed, and makes a request for personal inspection, the first respondent may undertake inspection of the land, and if it is felt that the petitioner has invested huge amounts for raising fruit bearing trees, digging the bore well and construction of water tank, necessary action may be taken in this regard. In this Writ Petition no relief can be granted.

The Writ Petition, with the above observations, is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

19.06.2007
vs

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[1] 2004 (2) ALT 546 (LB) = 2004 (2) ALD 451 (LB)